

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.17512 of 1996

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DATED: 21-02-2006

Between:

B.Sudershanam . . .Petitioner

And

RDO, Medak, and another . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.17512 of 1996

ORDER:

The petitioner was assigned an extent of Ac.4-00 of land in Survey No.112 situated at Mirzapalli Village, Shankarampet Mandal, Medak District, on 17-08-1970, by the then Tahsildar, Medak. The Mandal Revenue Officer, Shankarampet, second respondent herein, issued a show cause notice, dated 21-04-1995 to the petitioner. It was alleged that the assigned land was not brought under cultivation and the petitioner was required to show cause as to

why the assignment shall not be cancelled. The petitioner submitted an explanation on 25-05-1995 and the second respondent passed an order, dated 14-02-1996 cancelling the assignment.

The petitioner preferred an appeal before the first respondent on 10-06-1996. Stating that no interim orders have been granted in the appeal and alleging that the second respondent was threatening to dispossess him, the petitioner filed this writ petition. In addition to that, it was pleaded that the second respondent does not have the jurisdiction to cancel the patta.

In the counter-affidavit filed by the respondents, the cancellation of patta is sought to be justified.

The petitioner had already availed the remedy of appeal before the first respondent against the order, dated 14-02-1996, passed by the second respondent. The limited purpose of filing this writ petition is to protect his possession over the land during the pendency of the appeal. Though the purpose is very limited, the writ petition was pending for the past ten years. Consequently, the appeal preferred by the petitioner is also pending before the first respondent. This Court cannot adjudicate the matter on merits, when the appeal preferred by the petitioner is pending.

For the foregoing reasons, the writ petition is disposed of, directing that the order, dated 14-02-1996, passed by the second respondent shall remain suspended, till the first respondent disposes of the appeal and the appeal shall be disposed of as early as possible. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

21st FEBRUARY, 2006.